

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



January 3, 2011

Norman M. Glasgow, Jr.
Steven E. Sher, Director of Zoning and Land Use Services
Holland & Knight LLP
2099 Pennsylvania Avenue, N.W. Suite 100
Washington D.C. 20006

Re: Waterside Towers, 6th and I Streets, S.W., Square 472, Lot 128

Gentlemen:

This is to confirm the substance of our discussion on Thursday, December 9, 2010, concerning the potential further development of the property located at the southwest corner of 6th and I Streets, S.W., known as Lot 128 in Square 472. The property is improved with a residential development known as Waterside Towers, which consists of three high rise apartment buildings and a low rise townhouse element. The property is zoned R-5-B and R-5-D, with dimensions as shown on the Zoning Map.

The development was originally constructed in 1970, when the land was not zoned and the property was controlled by the Southwest Urban Renewal Plan for Project Area C. The Urban Renewal Plan did not include provisions for calculation of floor area ratio (FAR).

We reviewed the floor area computations, dated December 8, 2010, prepared by Lessard Group, architects, showing that the existing buildings contain a total of 553,397 square feet of gross floor area as provided for in §199. Those calculations:

- Pro-rated the floor area on the motor court level, based on the portions of the buildings which have a ceiling height of four feet or more above the adjacent finished grade and are therefore basements under the Zoning Regulations and included in FAR. The calculations treated the space on the motor court level as seven buildings, including Building 1, combined Buildings 2 and 3 (which are connected at the motor court level), Buildings 4, 5, 6 and 7 (which are not connected at this level and are the lowest levels of the townhouses) and the upper level of the garage, which abuts but is separated from the other six buildings. The perimeter of each building was computed separately to determine the proportion of the floor area of each building separately. The sum of those areas is the total floor area which should be counted in FAR.
- Do not include the 'arcade' area on the first floor of the three apartment buildings located outside the enclosing walls but under the overhang of the second and higher floors above.

- Include the balconies in FAR, because they project greater than six feet from the exterior walls of the building.

I concur that the computations as described above comply with the current interpretations of how gross floor area is measured.

The Zoning Administrator's office has previously concluded that FAR is a calculation determined by dividing the entire gross floor area of the building by the total area of the lot. The land area of the site is 218,551 square feet. Based on the dimensions of the zone boundary lines as shown on the Zoning Map, 115,760 square feet are in the R-5-D District and 102,791 square feet are in the R-5-B District. The FAR computations show that the existing gross floor area on the portion of the site zoned R-5-D is 501,153 square feet, 95,993 square feet over what is currently permitted for that portion. The existing gross floor area on the portion of the site zoned R-5-B is 52,246 square feet, 132,779 square feet less than currently permitted for that portion. The total site contains 553,399 square feet, 36,786 less than the combined maximum total for the entire site.

You indicated that your client is considering whether and how to add gross floor area to the property. The unused 36,786 square feet could be built on the R-5-B portion of the site. No relief would be required under §2514, since you would not be transferring density across the zone boundary line or extending the provisions of the R-5-D zone across the boundary.

The amount of available density could be increased in a number of ways:

- If you demolish the existing townhouse buildings, you would be able to add back the 44,660 square feet which those buildings currently utilize.
- If you redesign the garage on the motor court level such that not more than fifty percent of the wall which faces the outside central court area is comprised of columns, piers, walls or windows, then the 7,586 which is currently counted for the garage at that level would no longer be counted in FAR, pursuant to §402.5.
- If you redesign the balconies by removing part of the slab or by moving the wall of the building further out onto the balcony, in either event such that the balcony projected no more six feet beyond the wall of the building, then the area of the balconies would no longer be counted in FAR.

Any addition to the property must comply with all the other requirements of the regulations, including height, lot occupancy, yards, courts and parking. Further, my determination is limited to zoning matters. You must comply with all other applicable District codes and regulations.

Please let me know if I may be of further assistance.

Sincerely, 
Matthew Le Grant
Zoning Administrator